



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 16, 2004

Mr. Randy Duplechain, P.E.
Davis, Bowen & Friedel, Inc.
23 North Walnut Street
Milford, DE 19963

RE: PLUS review – PLUS 2004-07-13; Simpson Farm Subdivision

Dear Mr. Duplechain:

Thank you for meeting with State agency planners on July 28, 2004 to discuss the proposed plans for the Simpson Farm Subdivision to be located on South Walnut Street in Milford.

According to the information received, you are seeking a rezoning of 183.18 acres from R-1 to R-3 (PUD) for the development of approximately 1000 residential units with 100 retail units.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Milford is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 302-739-3090

This project is located in Investment Level 1 according to the June 3 version of the 2004 State Strategies for Policies and Spending, which has been approved by the Cabinet Committee for State Planning Issues. This site is also located in the City of Milford. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future

redevelopment or infill projects are expected and encouraged by State policy. This project is a mixed use project providing commercial and residential uses. **Our office supports mixed use infill projects as essential to the Livable Delaware strategy of concentrating growth in and around existing communities and infrastructure.** This is the type of project that is highly desirable to allow us to meet our goals of revitalizing our already urbanized areas while protecting agricultural lands and natural resource areas from encroachment by sprawling suburban and rural development.

We strongly suggest that cross access be established to the development known as Central Parke. This area should be planned and designed as an interconnected extension of the City of Milford's street system, not as two stand alone projects. Our office would also like to draw attention to the comments from DelDOT which relate to the requested access from Route 113. As we discussed at the PLUS meeting, access to Route 113 is not assured due to the Corridor Capacity Preservation Program and the ongoing Route 113 Limited Access Study. It is recommended that the developer continue to work closely with DelDOT, the City of Milford, and the developers of the Central Parke project regarding access issues.

In addition, we recommend some efforts be made to preserve more of the existing woodland areas on the site, perhaps through shifting some of the single family cluster homes to this area to reduce tree clearing. Our office has no objections to the proposed rezoning and development of this project in accordance with the relevant City codes and ordinances.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There is a potential Historic District (meaning it is eligible to be listed in the National Register of Historic Places) immediately north of the subject property. The southern boundary for this potential Historic District ends on Walnut Street at Elizabeth Street. There is also a house on a parcel immediately northeast of the subject property, south of Wilbur Street. This house has potential to be listed in the National Register of Historic Places.

With this said, it is recommended that the new development distinguish itself from the historic buildings and the potential historic district to the north. This can be done through landscaping, providing a buffer on the northeast corner to act as a boundary. Also, and more importantly, the distinction should be done through the buildings' architecture. It is noted that the styles chosen for the development is the Neo-Traditional styles. It is requested that the buildings not resemble the actual historic buildings so closely that the public cannot distinguish the truly historic from the Neo-Traditional. It is suggested they you design the houses on the north end of the development in a more contemporary style to better distinguish the 19th and early 20th century architectural developments from the 21st century architectural development. This should also help in creating a clear boundary between the two architectural time periods and settlement patterns.

Finally, there is a high probability for archaeological sites within the subject property, especially in and near the wooded areas. It is recommended that the development stay out of the wooded areas and provide a buffer, either open space or vegetative, between the development and the wooded areas.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

A traffic impact study (TIS) is required for this project and was scoped on May 20, 2004. In DelDOT's review of the TIS they may add to or modify the following comments. DelDOT has commended the developer for starting the TIS process early. Presently the review time for completed TIS is about 8 months.

Question 31 on the PLUS form asks whether the developer is "considering dedicating any land for community use" and the developer answered "No." DelDOT has noted that they understand that part of the site may be used for a community recreational facility such as a Boys & Girls Club. The presence or absence of that facility will significantly affect the amount of traffic generated by the site.

Presently, DelDOT is engaged in a US Route 113 North-South Study, which is developing alternative alignments for improving and/or bypassing that road. One of the alternatives under consideration is to improve the existing road. If DelDOT selects that alternative, this development could lose any Route 113 access that it might otherwise get. DelDOT would probably have service roads on one or both sides, but no decision has been made in that regard.

By the spring of 2005 DelDOT expects to determine which alternatives merit detailed study, and later that year expect to select an alignment. Therefore it does seem worthwhile for the applicant to continue the land development process. You should be aware that any access the project might obtain along Route 113 could be only temporary. More information on the study is available from the DelDOT project manager, Mr. Monroe Hite. He may be reached at (302) 760-2120.

Contrary to what was indicated on the PLUS form, the site's Route 113 frontage is subject to the Corridor Capacity Preservation Program. At the TIS scoping meeting, it was stated that DelDOT would be willing to consider permitting access to Route 113 only if our review of the TIS finds that such access is essential to the continued acceptable operation of the street system in this part of Milford.

It was noted by DelDOT that the presented plan at the PLUS meeting has changed from the neo-traditional plan previously proposed to one with more cul-de-sacs and fewer interconnections. DelDOT agrees with the Office of State Planning that fewer cul-de-sacs and more interconnections would provide better traffic circulation within the development.

If the developer does not obtain access to Route 113, DelDOT would recommend that the City consider requiring a gated emergency access to Donovan Street, a privately maintained street that does connect the site to Route 113.

DelDOT commended the developer for providing the proposed connections to Cherry and Pine Streets because they will help to integrate the proposed development into the community. However, because of the anticipated increase in traffic on them, the developer should be responsible for improving the existing streets. While these are City Streets, it is suggested that those improvements should include completing the sidewalks on Cherry Street, and, if necessary, overlaying, reconstructing or widening the pavement of both streets to accommodate the increased traffic. DelDOT expects to provide more specific recommendations in their comments on the TIS.

DelDOT also recommended that at least one stub street, preferably two or more be provided to connect this project to the Central Parke development, immediately to the south. That farm is also proposed for development now and is at about the same stage of plan development. The two sites have the same site engineer and appear to have no natural barriers, such as wetlands, separating them. Thus it seems that the City has a rare opportunity to have the two developments planned and built in an integrated manner.

The developer's site engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their requirements with regard to the design of the site entrance(s) on South Walnut Street. Mr. Fiori may be reached at (302) 760-2260.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

Soils

According to the soil survey update, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

- Excessively well drained - Evesboro
- Well Drained – Sassafras & Rumford
- Moderately well drained – Woodstown
- Poorly drained (**hydric**) – Fallsington
- Very poorly drained (**hydric**) - Johnston (floodplain)

Evesboro is an excessively well-drained soil that has moderate limitations on account of rapid permeability. Sassafras and Rumford are well-drained upland soils that have few limitations for development. Woodstown is a moderately well-drained soil of low-lying upland that has moderate limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soils that have severe limitations for development. Johnston is a very poorly-drained wetland associated (hydric) floodplain soil that has severe limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands in the southern portion of this parcel.

Because there is strong evidence that federally regulated wetlands exist on site, **a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.**

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

Impacts to wetlands should be avoided. Wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. In addition, lots should be removed in their entirety from both the wetland and the forest surrounding it. Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Mispillion subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

The Delaware Nutrient Management Commission (DNMC) is the controlling authority for fertilizer application on parcels of land 10 acres in size or greater within the watershed. Consequently, the open space will be managed for nutrients in accordance

with Delaware Nutrient Management Law. Thus, the owner's association will be responsible for the managing that open space and should be made aware of that fact.

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Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as "methodological mitigative strategies" to reduce degradative impacts associated with development.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

Review and approval of the sediment and stormwater plan for this project will be handled by Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 to schedule a pre-application meeting as soon as possible.

Forests

As the design phase of this project moves forward, DNREC strongly encourage the landowner(s) to consider preservation of upland, riparian, and wetland forests on these parcels. Forests provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities. In addition, forests provide habitat for many species of plants and animals. Forest fragmentation resulting from development separates wildlife populations, increases road mortality, and

increases “edge effects” that leave many forest dwelling species, particularly songbirds, vulnerable to predation. The Natural Heritage Program would gladly assist the landowner(s) in evaluating these parcels for wildlife habitat. Many new incentive-based programs for wildlife management are available to private landowners through our agency. Please contact the Natural Heritage program at 302.653.2880 if the landowner(s) is interested in more information.

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as stormwater management ponds) be pulled out of the forest and areas of community open space be designated along the riparian areas. Doing so will accomplish two things: it will preserve the existing riparian buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing them access to and views of the forest and stream.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

Revegetation

For this project, DNREC requests that no invasive species be used in the revegetation of disturbed areas. A list of species considered invasive in Delaware can be found on the DNHP web site, <www.dnrec.state.de.us/fw/invasive.htm>. The use of native plants is recommended and the DNREC Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

Nuisance Species

DNREC also recommends that the number of ponds incorporated in the subdivision design be reduced. The ponds scattered throughout the subdivision will likely attract waterfowl like resident Canada geese and mute swans that will create a nuisance for community residents. Although small numbers of these species are enjoyed by residents, geese and swans can quickly multiply and overwhelm the area. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Ponds that remain in the

subdivision plan should be landscaped to deter nuisance species. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Recreation

It is recommended that sidewalks be built fronting every residence and stub streets. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc.

It is strongly recommended that pedestrian and bike access be provided to the north (into Milford town center) and south (into Central Parke) in addition to the sidewalks on Route 113 and Walnut Street.

We encourage the designer/builder to involve the Milford Parks and Recreation Department in the recreation components of this project. Mary Betts can be reached at (302) 422-1104.

Air Quality

Note: Comments for the air emission impacts of the 1,000 residential units

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project will be 76.7 tons (153,489.6 pounds) per year of VOC (volatile organic compounds), 63.5 tons (127,079 pounds) per year of NO_x (nitrogen oxides), 46.9 tons (93,761.2 pounds) per year of SO₂ (sulfur dioxide), 4.2 ton (8,346.4 pounds) per year of fine particulates and 6,419.6 tons (~12.8 million pounds) per year of CO₂ (carbon dioxide)

Emissions from electrical power generation associated with this project will be 12.3 tons (24,536.4 pounds) per year of NO_x (nitrogen oxides), 42.7 tons (85,344 pounds) per year of SO₂ (sulfur dioxide) and 6,294.1 tons (~12.6 million pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources* associated with this project will be 31 tons (61,909.3 pounds) per year of VOC (volatile organic compounds), 3.4 tons (6,811.9 pounds) per year of NO_x (nitrogen oxides), 2.8 tons (5,652.9 pounds) per year of SO₂ (sulfur dioxide), 3.6 ton (7,294.8 pounds) per year of fine particulates and 125.5 tons (250,966.5 pounds) per year of CO₂ (carbon dioxide)

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	76.7	63.5	46.9	4.2	6419.6
Residential	31.0	3.4	2.8	3.6	125.5
Electrical Power		12.3	42.7		6294.1
TOTAL	107.7	79.2	92.4	7.8	12839.2

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

With that said this State notes that this proposed development is within the Town of Milford. Therefore, the State would ask that you consider the development of energy efficient homes and interconnectivity with the Town and surrounding commercial areas to promote walkability and bikeability.

Underground Storage Tanks

There is one inactive LUST sites located near the proposed project:

Nann's Corporation, Facility # 5-000437, Project # S9109201

No environmental impact is expected from the above inactive/active LUST site. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly, Apartment and Townhouses)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from S. Walnut Street must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
 - If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- d. **Gas Piping and System Information:**
- Provide type of fuel proposed, and show locations of bulk containers on plan.
- e. **Required Notes:**
- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
 - Proposed Use
 - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
 - Square footage of each structure (Total of all Floors)
 - National Fire Protection Association (NFPA) Construction Type
 - Maximum Height of Buildings (including number of stories)
 - Townhouse 2-hr separation wall details shall be shown on site plans
 - Note indicating if building is to be sprinklered
 - Name of Water Provider
 - Letter from Water Provider approving the system layout
 - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
 - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

A forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: Andrea Maucher 739-4247

It appears that a small portion of the project is in an area that has not yet been annexed by the Town of Milford. Milford will need to notify the PSC when the annexation is complete. Should the town wish to serve the property without an annexation, it will need to apply to the Commission for a CPCN. Contact: Kevin Neilson or Andrea Maucher at (302) 739-4247.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines.

Recent legislation (Senate Bill 99) placed non-governmental companies providing wastewater services to 50 or more customers (in the aggregate) under the regulatory control of the PSC. While rules are not yet in place, governmental agencies offering wastewater services must file data regarding its service areas with the Commission. *Contact: Kevin Neilson at (302) 739-4247*

Delaware State Housing Authority – Contact Karen Horton 739-4263

The Delaware State Housing Authority supports this proposal because the applicant is proposing a mix of housing types and both rental and owner-occupied units. They also support the site's close proximity to services and markets. While the prices of the units are not known at this time, the DSHA encourages that some of the units be set aside for low- and moderate-income households.

Delaware Emergency Management Agency – Don Knox 659-3362

A significant impact to public safety is foreseen by implementation of this project due to the number of units proposed. The developer should notify the police, fire service, and emergency medial response organization serving the City of Milford to keep them apprised of all the development activities.

Route 14 & 113 are both coastal storm evacuation routes and this development will add to the traffic volume on these routes during a coastal storm event.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

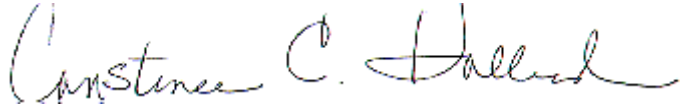
PLUS – 2004-07-13 Simpson Farm Subdivision

August 16, 2004

Page 13 of 13

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, reading "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent than the last name "Holland".

Constance C. Holland, AICP

Director

CC: City of Milford
Sussex County